



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,230	09/14/2000	Hideo Ando	04329.2387	3095

22852 7590 12/27/2006
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/662,230

Applicant(s)

ANDO ET AL.

Examiner

James A. Fletcher

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 November 2006 has been entered.

Claim Objections

2. Claim 33 is objected to because of the following informalities: The final limitation recites "a second recorded configured..." The Examiner believes the limitation should read —a second recorder configured—, and will be analyzed and discussed under that belief. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments filed 1 November 2006 have been fully considered but they are not persuasive.

In re page 9, Applicant's Representative states: "In fact, Parulski teaches away from using 'sequence information' in 'the first management information.'... Parulski, column 6, lines 46-51."

The Examiner respectfully disagrees. In the cited passage, Parulski is explaining an alternative to his invention in a separate application. He is explicitly NOT stating that such a selection process is part of his invention. This fact is clear when reading the first

Art Unit: 2621

two sentences of the paragraph containing the cited passage: "In **other applications**, such as a public display in a museum or trade show, simplified controls for members of the public or audience passing by are provided. **An example of such a simplified control is described in a co-pending U.S. patent application** Ser. No. 695,149, filed May 3, 1991, entitled 'A Selector for A Display Device' by J. Weldy, assigned to the assignee of the present invention and the disclosure of which is herein incorporated." Emphasis added. Indeed, in the following paragraph, Parulski discloses that his invention is one where a sequence of images is shown in conjunction with an audio presentation: "In accordance with the invention, the image and audio data files are associated with each other in a presentation sequences file..." Clearly, it is apparent to one of skill in the art that Parulski is not disclosing as his invention a system whereby a user can select a single image for presentation or review, as alleged by the Applicant's Representative.

In re page 10, Applicant's Representative states: "Parulski is silent on 'the second management information includes numeral information describing a number status of the still images,' as recited in claim 29."

The Examiner respectfully disagrees. Parulski explicitly discloses number status of the still images in Col 7, lines 13-32, and as analyzed and discussed below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2621

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 29-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Parulski (5,555,098).

Regarding claim 29 and 31-34, Parulski discloses a method and apparatus for recording, method of reproducing, and information storage medium, for storing audio information and image information comprising:

- a data area configured to store the audio information and the image information (Col 5, lines 10-11 "The controller 6 programs the digitized audio messages and images as audio and image data files on the disc 4") and;
- a management area configured to store management information of the audio information and the image information (Col 6, lines 52-55 "In accordance with the invention, the image and audio data files are associated with each other in a presentation sequences file located either on the disc 4 or in the EEPROM memory module 29"), the management information including first management information and second management information (Col 6, lines 61-64 "conveying desired information includes displaying a sequence of images, and playing back a corresponding sequence of messages" and Col 7, lines 23-26 "For example, the Program #1 address stored in location 112 of the presentation sequences file contains the address of location 122, which stores the disc image number of the first image for Program #1"), wherein
 - the first management information includes sequence information regarding a display sequence of still images of the image information

and timing information regarding a display timing of the still images (Col 6, lines 61-64 “conveying desired information includes displaying a sequence of images, and playing back a corresponding sequence of messages” and Col 27-29 “the controller 26 maintains the image on the display 20 for the length of time required for completing the audio message”),

- the second management information includes numeral information describing a number status of the still images (Col 7, lines 23-26 “For example, the Program #1 address stored in location 112 of the presentation sequences file contains the address of location 122, which stores the disc image number of the first image for Program #1”),
- the management information of the image information includes plural sets of management information items (Col 7, lines 33-34 “The presentation sequence section 160 contains a multiplicity of sequences such as sequence 120 and sequence 140. In particular, there is one sequence for each of the Programs listed in the pointer table 110”), and
- each set of the management information is configured to contain said numeral information (Col 7, lines 28-31 “Likewise, the Program #8 address stored in location 116 of the presentation sequences file

contains the address of location 142, which stores the disc image number of the first image for Program #8”).

Regarding claim 30, Parulski discloses an information storage medium for storing audio and image information wherein the management information provides a functionality with respect to the audio or image information such that when processed by a medium access device or apparatus, the audio or image information is managed and processed according to the management information (Col 6, line 61 – Col 7, line 1 “Depending on the application, conveying desired information includes displaying a sequence of images, and playing back a corresponding sequence of messages. Preferably, a user should be able to view a sequence of images by pushing a single button once. The user is given a choice of several buttons, each one corresponding to a different sequence of images and audio messages”).

Regarding claim 31, please see Examiner’s remarks regarding claim 29.

Further regarding claim 31, Parulski discloses:

- recording at least one of the audio and image information on the data area (Col 5, lines 10-11 “The controller 6 programs the digitized audio messages and images as audio and image data files on the disc 4”); and
- recording management information of the audio information on the management area (Col 6, lines 52-55 “In accordance with the invention, the image and audio data files are associated with each other in a presentation sequences file located either on the disc 4 or in the EEPROM memory module 29”).

Regarding claim 33, please see Examiner's remarks regarding claim 29.

Further regarding claim 33, Parulski discloses:

- an audio encoder configured to encode an audio input to generate encoded audio information (Col 5, lines 7-9 "If the audio messages on the tape are analog, then suitable A/D conversion is made");
- a first recorder configured to record at least one of the encoded audio information and the image information on the data area (Col 5, lines 10-11 "The controller 6 programs the digitized audio messages and images as audio and image data files on the disc 4"); and
- a second recorder configured to record the management information on the management area (Col 6, lines 52-55 "In accordance with the invention, the image and audio data files are associated with each other in a presentation sequences file located either on the disc 4 or in the EEPROM memory module 29").

Further regarding claim 34, Parulski discloses:

- a first reproducer configured to reproduce the management information of the audio information from the management area (Col 5, lines 63-67 "The CD player preferably includes a disc reader 28, having a laser pickup movable across the face of the disc 4 (e.g., radially) for scanning a desired portion of the face of the disc 4 to read information from a desired address");
- a second reproducer configured to reproduce at least one of the audio information and the image information from the data area (Col 6, lines 8-10

"Image and audio data files read from the disc 4 are provided to a deformatter 30, which strips off headers or other overhead from the files which were read");

- an audio decoder configured to decode the audio information reproduced by the second reproducer (Col 6, lines 13-15 "The pixel information and audio samples are, respectively, written into an image memory 32 and an audio D-A converter 34"); and
- an image decoder configured to decode the image information reproduced by the second reproducer (Col 6, lines 19-21 "Interface components for converting the digital image into an analog video format appropriate for the display 20 are included within video D-A converter 33").

Regarding claim 35, Parulski discloses an apparatus for reproducing audio and image information comprising an image display section configured to display contents of the image information decoded by the image decoder (Col 6, lines 19-21 "Interface components for converting the digital image into an analog video format appropriate for the display 20 are included within video D-A converter 33").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2621

7. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski.

Regarding claim 36, please see Examiner's remarks regarding claim 29.

Further regarding claim 26, Parulski discloses the use of a semiconductor memory for management information (Col 6, lines 53-56 "the image and audio data files are associated with each other in a presentation sequences file located either on the disc 4 or in the EEPROM memory module 29"), but does not specifically disclose using such memory for storage of audio and image data as well, noting that the compact disc was used because of its storage capacity (Col 6, lines 59-61 "A storage medium such as a digital compact disc has a storage capacity large enough to include many images and audio messages").

The Examiner takes official notice that the use of semiconductor memory for storage of audio and image data is widely known and commercially available, particularly in the case of USB flash memories, providing the user with a convenient means of transporting and distributing large amounts of data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Parulski in order to include semiconductor memory as a storage device for audio and image data.

Regarding claim 37, please see Examiner's remarks regarding claim 31.

Regarding claim 38, please see Examiner's remarks regarding claim 34.


Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
November 27, 2006


James J. Groody
Supervisory Patent Examiner
Art Unit-262 2621